

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CHAD MANTONYA

RESPONDENT,

**v.
JAMIE D. MANTONYA**

APPELLANT.

DOCKET NUMBER WD71368
DATE: June 8, 2010

Appeal From:

Henry County Circuit Court
The Honorable Wayne P. Strothmann, Judge

Appellate Judges:

Division One: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Cynthia L. Martin, Judges

Attorneys:

J. Eric Mitchell, Clinton, MO, for respondent.

William E. Simmons, Clinton, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**CHAD MANTONYA, RESPONDENT,
v.
JAMIE D. MANTONYA, APPELLANT.**

No. WD71368

Henry County

Before Division One Judges: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Cynthia L. Martin, Judges

Jamie Collins, formerly Mantonya, (Mother) appeals from the trial court's judgment which denied her request to relocate from Clinton, Missouri, to Urich, Missouri. The trial court found that Mother failed to sustain her burden to prove that the proposed relocation was made in good faith and was in the best interests of the children.

AFFIRMED.

Division One holds:

Relocation of a child is governed by section 452.377 and requires the party seeking relocation to prove that the proposed relocation is made in good faith *and* is in the best interests of the children.

Where Mother and Father agreed relocation would not affect Father's time with his children, Mother's decision to move before Father's motion to prohibit relocation was disposed could not have supported a finding that the proposed relocation was not in good faith, as there was no evidence Mother intended to deprive Father of contact with his children.

The trial court's determination that Mother failed to sustain her burden to prove that relocation was in the best interests of the children was not against the weight of the evidence and was supported by substantial evidence when Father objected to the effect of relocation on the children's school.

A judgment determining a section 452.377 relocation dispute need not include written statutory best interest factors in the absence of a motion to modify custody, harmonizing *In re Steggall*, 296 S.W.3d 25 (Mo. App. W.D. 2009) and *Schlotman v. Costa*, 193 S.W.3d 430 (Mo. App. W.D. 2006).

Opinion by: Cynthia L. Martin, Judge

June 8, 2010

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